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House. The hon. member here read the paragraph of the House in reply. Now he would ask, who was to decide in reference to the assistance required? The Governor-General of India had sent for the troops, and it was not necessary to suppose that the Government of India had invited so to do; he could only be justified in sending for them because they were absolutely required. The question was, whether the necessity existed; but how were hon. members to know? They did not know, but the Governor-General of India had felt himself justified in incurring the expense of sending a ship-of-war to take up the troops, and they must recollect that he was responsible for the consequences. How under the circumstances could hon. gentlemen and the Admiralty be so ready to blame Mr. MACARLITHUR. Quote his own words: "he

Mr. MARTIN: Lord Canning told the House no doubt that he attached less value to the Artillery, but he never said that he attached no importance at all to them. Lord Canning was a man of great common sense and great common sense would not have made the impression that the colony could not well spare both forces, and in the event of a choice being made, expressed his preference for the Infantry. He would ask what information would have satisfied the House, if it was not satisfied with the information which he had given? He would ask the House whether it was the duty of the Government to have authority at the seat of war? He would ask whether it would not have better become the dignity of the House—as its dignity had been alighted to—to have served, if error it might be called, on the safe side—to have made a mistake, than to have been obliged to say they might expend some £4000? So much for the facts of the case, which, in his opinion, seemed to have justified the expressions contained in it, namely of the Governor-General. He quite admitted that it was possible that in all communications which took place between one branch of the Legislature and another, courteous language should be used, and that strong expressions should not find place in documents of this kind. He agreed that there were some expressions in the communications which went beyond the limits properly assigned to communications of the kind, and that it was perfectly right for the Parliament to take them and deal with them as it thought fit. He felt assured that it never could be shown that the House had been provoked to insult the House, and if in expressing his opinion, whether on his own responsibility, or with the advice of a Minister—that the House had rather abruptly reversed its opinion—if grounds existed for

General, then he thought honorable members ought not to be too curious in enquiry. In setting themselves right—that is to say, of a minority of the House—who were not in the right—by which—acting themselves right on a question of this kind, it behooved them to well consider that they kept within a proper limit. It might be the opinion of some hon. members that proper limits had been already exceeded in the case of the Governor-General, and that it was fairly supposed that it was done without due consideration. That excuse, however, could not be made for their overstepping proper limits. They were properly the Governor-General's advisers, and not the consideration of a select committee, which committee had duly inquired into it, and they were now discussing the question in committee; and the language that they were to use, and which was embodied in the Government's answer, was not intended to diminish the dignity of that House. Let them therefore consider whether the language they were about to use was calculated to maintain and assert that dignity. They were now addressing the House of Representatives of the colonies—the representative of the Queen. They were about to address a gentleman who, it was said by some hon. members, was not responsible. And these were the terms in which they were intended to address him, and the dignity of the House. He alike require that we should in the most emphatic manner declare that there is neither justice nor correctness in the imputation which would seem to be connected with the words of the Gentleman. Now, he would ask that House were expressions like those worthy that House? Were these expressions fit to be used by a body of Englishmen—by the Legislature of the colonies—the Queen's House? He would say, no. If the Governor-General had made a mistake, whether acting upon his own responsibility, or upon the responsibility of his advisers, it was a false and a mistaken expression, and regarded facts or in the use of an unguarded expression, was that the mode in which the Legislature should desire to set itself right? Was that the language by which they sought to vindicate their dignity and to set themselves right? He would say, no. It would be impossible to use stronger or more unbecomingly. If they used language such as that, it would matter little in the esteem of the Governor-General, or of any Governor-General, whether he was a native or a foreigner, but it would matter to the Legislature who would so act. But he would not believe, till he saw the paragraph adopted by the House, that the House would do so.

by British principles, and in the face of law and the spirit of the law that it was their pride to be actuated by British principles, but in their individual feelings and generosity—in a gentlemanlike spirit and a gentlemanlike language upon all occasions when they had time for consideration and reflection. It was not that they were not notional adherents of the language used in the heat of debate, for at such times language was likely to get beyond control; but when they had time to consider and time to weigh the expressions they were about to use. In a *State document* such as that, it behoved them to consider well what language they were about to add to the record which might be done, that the House, by a large majority, would expunge the expressions to which he referred, and which he again would reiterate were unbecoming the dignity of that House, and which would reflect in a high degree upon the Legislature of the country.

It was to matter what censure might be conveyed in it, he would, of course, take his share. He did not complain of any opinions expressed as to the impropriety of the terms used in the Governor-General's reply; but he at the same time asserted, as a mature and experienced statesman, that he could not add his Excellency in that address—that the Governor-General had a right to suppose that the House would not change its opinion. The necessity had arisen, and his Excellency had every reason to suppose that the House would cheerfully and generously contribute, as he said, to the assistance of the Government of the Artillery with horses to India. In considering the question whether or not the necessity had arisen, the question ought not to be approached in a narrow and technical manner—not requiring positive proof, such as would be required in a court of law, but to be decided in a liberal, fair, and open manner, requiring no hieroglyphics to prove it. They were called upon to carry out their pledge upon evidence which to the mind of his Excellency was sufficient, and which was to his mind sufficient. He was convinced that the majority of the members of the country would be of opinion that the necessity for the additional troops had actually arisen.

Mr. FORSTER considered that a great waste of time was caused by the discussion of this question, or of the public time had been wasted in bringing up the subject, which might have been termed a waste of organization, on the part of the Ministry in bringing questions under consideration of the House. A very remarkable instance of what he referred to had occurred on the present occasion. He took for his ground the fact that the hon. member who had introduced the Motion—General J., which showed that the Government had departed from the position which was first taken by the hon. the Colonial Secretary when the subject was first placed before the consideration of the House. He presumed, from what the Attorney-General said, that just as the hon. member who introduced the Motion now put forward the Governor-General as a shield before themselves, and to shift the blame, to some extent at all events, upon his Excellency's shoulders. [MR. MARTIN : I expressly stated that it was not the hon. member who introduced the Motion.] If the hon. member said that his meaning was as he now stated it, he was quite willing to admit it was so; but he submitted that this speech was totally at variance with the previous speeches of hon. members opposite to the Government, and that they were not the Colonial Secretary the other night in the most uncompromising manner stated that he was willing to take the whole responsibility. By that he understood the hon. member to infer that the whole responsibility would be taken by him. But if the hon. member had been sitting on Ministerial benches, The hon. and learned Attorney-General complained because that he had supposed from a certain portion of his speech that he (Mr. Martin) was anxious to withdraw from the position. He thought that the hon. member ought to have been more explicit if hon. members, like himself, would see that there was nothing so remarkable, they would see that there was nothing so extraordinary, for forming such a supposition. He concluded particularly to the argument used by the hon. and learned member, to prove, as he said, that it was impossible to disassociate the name of the hon. member from the question of the question.

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that the Governor-General was an entity, and as such they must consider him. Why, he would ask, was such an allusion made to the Governor-General? From the arguments used by the hon. and learned member he must say that he (Mr. Forster) had the misfortune to differ entirely from the constitutional position as set down by that hon. and learned member. The hon. and learned Attorney-General, however, was addressed to the Governor-General in this might be transferred to her Majesty—that the arguments which had been used might, with equal force, be applied to her Majesty, be applied to her Majesty with reference to her position in the House of Parliament. But the hon. and learned member in his arguments did not perceive, or he chose for purposes of his own to overlook, the distinction which every member of the House of Commons would have taken in his position as a member of that House and as a citizen of the country. It was perfectly true, that as citizens of the country they might look upon the Governor-General as the head of the Government, but as members of that House they could only look upon him as a member of the Government. In addressing his Excellency upon the subject of this kind, they were not bound to consider his personal feelings. They were aware that before they could do so, they must first ascertain whether he was in his power to refuse assent to that document, if it was in the power of the Ministry to say that they would not accept that document—that they would not convey it to the House, because—that they thought it insulting to the House of Commons. The Governor-General after he had insisted upon them conveying it, had then said that the Ministers would have a clear open course before them—that was, at once to resign, and to come to the House and state the case; and he was certain, that in an event of that kind, the House would support the Ministry against the Governor-General, and in that way convince the head of the Executive of the proper mode to be adopted by the members of the House. As members of that House, the Ministers of the Government as the framers and authors of that document: as members out of doors, he admitted they would be bound to form a different opinion, and he would express the opinion expressed by the hon. and learned Attorney-General with reference to the Governor-General's address, he entirely differed in opinion. Several questions had been drawn into the discussion of this subject. He had listened to the arguments addressed against the acceptance of the wording of the address in its literal sense. The hon. member for East Camden had alluded to Lord Brougham who, upon one occasion, explained that the House of Commons had no right to interfere with the decision to pledge Parliament to everything embodied therein. Now looking at the question in that light it appeared to him that the House was perfectly justified in not assenting to the address, and he was not at all inclined to throw out of consideration the fact that he had been elected as a member of that House, no had assented to the address. He had taken the trouble to read the address, and he had not detected anything in it which would offend his language, from which he would needs withhold his assent, and he was not in the language of that address, and he saw no ground for the imputation against the good feeling and consistency of the House, which appeared to him to be conveyed in the reply to his Excellency. The hon. Attorney-General had stated that the House having expressed its willingness to co-operate with the Governor-General in sending troops to India, that he was entitled to judge of the necessity, seeing that the question was not one of a matter of principle, that he were entitled to judge. But he (Mr. F.) contended that if the Executive thought proper to solicit the advice of the House, which it certainly did, that the House had a right to exercise its judgment in giving that advice, and he fully maintained that they could not interfere with the action of the Executive if the Executive thought proper to act upon its own responsibility, but he maintained at the same time that the House was perfectly entitled to express its disagreement to use language which was insulting to the House, and he was not in a position which they had now to decide whether or not whether they were justified in refusing the assistance asked for by India which was the sentiment of the Governor-General asked for, but whether the Governor-General's Government was entitled to that refusal never conveyed in language insulting to the House. That such was the case, he believed no one could deny, seeing that the motion for the preparation of a reply to his Excellency's message had been passed without any division on the subject. He was distinctly understood that his objection, and he believed that of the House, was not to the substance of the message, but to the time and language employed in the delivery of it. He was not in favour of using a mild language in their intercourse with the Executive, and he should therefore be prepared to accept any amendments calculated to improve the terms of the message, but he was not in favour of using a harsh one would nevertheless insist upon such an amendment of opinion as would vindicate the character and privilege of the House.

P. N. SARKIS, although one of the committee appointed to enquire into the circumstances of the case, has the opinion that the facts of the case should have been succinctly set forth in order that, as a Statutory document, it might be more clearly understood by any future Legislature. The hon. gentleman then entered into a detailed analysis of the Governor's opening speech, in which he pointed out that the address was in the connection of the address in 1902, and that the paragraph in the former relating to the military, was written in the past tense, and that the House had responded to it accordingly. His Excellency did not state that there was any necessity either for the Governor to refer to the military, or (in the U.S.) fully admitted that if any such necessity had arisen when they refused to send the Artillery, there would have been ample ground for the charge of want of loyalty and sympathy with our fellow countrymen in India. But so far from there being any urgent need for the Governor to refer to the military, it was the despatch of the Governor-General of India that it was the Infantry which was particularly required, and that the House had already agreed to send it. Now he could not think, with the Attorney-General, that the arrival of the transport, from India, under the authority of the Governor-General, was an emergency in the agency in India. The transport, they knew, arrived under peculiar circumstances. It arrived in consequence of the communication made by the Governor-General to the Governor-General of India, Lord Canning. The transport had been sent here from the Governor-General of India, and it was not until the communication with the Governor here, then he was sure that the Legislature and the colony would have readily recognised such an emergency, and have sent all the troops away almost without consideration of any emergency. He was sure that the Governor-General of India had been almost too anxious to send the 7th, which had so proudly distinguished itself in the Crimean war. Nor must it be forgotten, in this question, that the House had been made aware of the fact that the Governor-General of the colony, and it was for this that the Governor-General of India principally applied.

doubt the Governor - General of India would have been glad to have the Artillery corps sent to the colony. But the fact that these were taken away the Government should have come down with the despatch of Lord Canning to that House. They must remember also that the Artillery was in a certain sense their property. The Government agreed to give them the Artillery, and it should be provided for by the vote of the Assembly, and Ministers would have done well to come down to the House before they advised that this force should be sent to the colony. The Government had no right to determine to send both Infantry and Artillery away and would have done so at once had it not been for the Government's intervention in the opinion of the "honorable member for Sydney (Mr. Thornton). He knew very well that though the colony had paid to bring the Artillery force out here, that still it was under the orders of the Government, and that the Government could take it as this was peculiarly a colonial force for which the colony had provided, the Government should have come down to the House before they were sent away in the unceremonious manner in which it was proposed.

Mr. COWPER explained: The Government of which he was a member had nothing whatever to do with the sending these troops away. All the arrangements for the removal were made by the commissariat department acting under the military orders of the Commander-in-Chief and the Governor. With regard to the orders issued for the removal of those troops he had received no information in respect of the removal of the 11th Miltary Brigade. He now heard for the first time that the hon. Colonial Secretary had nothing to do with the removal of the troops, but though perhaps matters relating to the disposal of the military might be out of his control, he, the hon. Member, was not to be out of sympathy with his Excellency on any of the course he had adopted. He must say that he regretted that his Excellency's name should have been so frequently introduced into the discussion by the Colonial Secretary. He was now put forward as a shield for

what had been on a former occasion admitted to be the formal act of the Government. It had been recognised by the Premier, and the message they were now to receive ought only to be looked upon as a document emanating from the Government. He could easily imagine that his Excellency, both as a man of honourable and generous feeling, as a servant of the State, and as a soldier, might be desirous that the troops should be sent to the defence of India; but it must also be recollected that he was the governor of a British colony, and in representing the Government he might be advised by his responsible ministers. It might be said by the hon. and learned Attorney-General that it was not to be expected that this House should understand military movements, and that a large staff of judgment must be left to those who had experience and authority in such matters. He quite agreed with the doctrine, but he still said that it was not the common sense to read and understand the despatches and accounts which had been received by the Members. They knew that the main object of the Indian Government was to obtain 700 Infantry in this colony, and those had been sent, freely and with the consent of the people and of this House. The Governor, in his address, told them that he had been told by the Governor of Sydney to think that they would shrink from proclaiming their own defence when the military force was called away for other exigencies. This was perhaps to a certain extent the case, but it was not so in the present case among the citizens of Sydney to whom he was speaking at a moment of danger, without some trained and disciplined force were present to instruct and guide their exertions. He was protesting against the use of the force for the defence whatever. He denied, and he would give accounts that had been sent, that there was that imminent necessity for the sending of the troops which he had alluded to. The saving grace existed in his Excellency's opening speech. The hon. member went into at some length into a detail of the state of affairs in India, which have been presented to the public through the Press, and particularly urged that the revolt of the Sikhs was not to be looked upon as not taken place.]

MR. ROBERTSON : The hon. member for the North River, I think, was down, seemed in common with some other honorable members, to have made an unfortunate mistake in regard to the true merits of this case. They seemed to think that the removal of the Government was chargeable on the Government, whilst in reality the Government was chargeable on the Ministry with the control of the military. He could not but know on some of the inconsistencies which had emanated from the honorable members in this debate. It was first said that the Ministry were not going to have sent the military force away. Then it was urged that they ought to have written to the Commander-in-Chief to take the necessary steps. What was the result? The honorable members should communicate with the Commander-in-Chief, and he would have all the news from India as soon as they could have—and who must know that he alone had been sent? Then the honorable member for the North River said that the Government were not to be guided by the colony—in fact, that when the 77th Regiment was ordered away, they made no objection to it, because forsooth they had, he supposed, no power to refuse. I am glad to hear the House had no power over the military—the Ministry were not to be guided in any way for the removal of the military. At the time the disastrous news from India arrived, the Government was being administered by Commissioners, and the honorable member for the North River gentlemen conducting it to take any steps in the matter; but as soon as the Parliament met, the Governor-General stated to the House the course intended to be pursued. He, however, was of the opinion that the troops were not to be sent, and would not sanction their removal. But he would tell those hon. members who then refused to support the Government, that it was a mere sham to say what they would have done. He would have given assistance, to refuse that assistance on the grounds they had stated. Some hon. members had stated that that part of the address in reply to the speech of his Excellency which referred to the subject was a trap to bring the House into a false position. He might ask those honorable members what inducement there could be on the part of the Government to lead that House into a trap? If the Government had not been informed of the intention of the Government, he would say it was informed of the circumstance on the first day after it had assembled, for the hon. Colonial Secretary laid upon the table, for the House the papers referring to the purchase of the house, and the responsibility or irresponsibility of the Governor-General in the matter, whatever opinion he might have of the language used in framing his Excellency's speech, he would not have been able to condemn any particular party. He believed, however, that no member of the Executive had, previous to its being sent to the House, seen that reply, but he thought that the Government were not to be wished to evade the responsibility which attached to his position, and for himself he was willing to take his full share of that responsibility, because he concurred in the course which was taken. It was not in consistency with that fair play which hon. members opposite at one time thought the House ought to observe, that they should, when they found some five or six of the usual supporters of the Ministry at a vote, and saw that they were in a minority, an opportunity to join them, in order to make up a majority.

Mr. PARKES was much afraid that this debate was not likely to answer the only purpose for which it was introduced, namely, of securing more clearly the right course for executive action. Mr. Minto's responsibility. It appeared to him that they were not called upon to entertain for a single moment the question of military assistance to India—that had been decided long ago. He thought that the only question they had to deal with was one of privilege which had arisen out of that debate. He thought therefore, they ought not to dispose of the question without first having some accurate understanding of the relative positions of his Excellency, the Governor-General and his responsible advisers. He could not agree with the hon. member who considered that his Excellency occupied a position in relation to the Executive Council as a mere adviser, and that he and his advisers, and he thought the phrase that "the king can do no harm" would scarcely be applicable to the governor of a colony. They found that his Excellency was a member of the Executive Council as well as one of its ministers, and the difference between the positions of the Governor-General and the Queen was an absolute sovereignty of an independent kingdom, and the other a mere advisory position. He thought that in this form, as the representative of the dominant power appeared to give him more power than the Queen exercised in the Imperial Government, and for that reason (Mr. Parkes) thought it more inclined to come to some strict principle upon which to raise questions like the present. The only useful result to be obtained by that inquiry, he thought, would be to define that power which the Viceroy possessed, when he was called upon to exercise it, and to define the powers of his responsible advisers. The course the present debate was taking was not likely to make that any clearer than it had been before. There was too much of a desire to get a definite acknowledgment of the hon. Colonial Secretary, to lay the responsibility of the letter—for it was not a message—upon his shoulders. That acknowledgment, he (Mr. Parkes), admitted had been made rather unexpectedly; it was made in a very guarded way, and he thought it was for cautiousness and ingenuity, for it appeared to him to be a most incontinent admission. Whether he ought, when he saw the language used in it, to have advised the hon. member to be more guarded, he did not know, but he did not think it was wise to speak upon, but for his own part he was of opinion that it was language which ought not to be used in any communication with the Legislature. He had no desire to screen the Ministers from any error for which they might be responsible, but he thought that the House which they might have incurred, but he did not

think they would take the right course if they made the Ministers solely responsible. With regard to the question of the right of the Council to be consulted, he endeavoured to justify his opinion that they had not only to deal with the language of His Excellency's orders, but also with the substance of them, and to prove the present address. He could not see the necessity for the allusion to the willingness of the House to afford assistance to India; all that they had to do was to consider the question of the Council, and they considered an insult offered to themselves, and he thought it would have been more dignified for the House to have said in the beginning of the address that they considered the Council's action from that point. To take a medium course of explanation, without giving a thorough course of historical exposition, he thought would rather detract from the force of the argument. He concluded, therefore, that he cordially agreed with any portion of the address, because he maintained they should correspond to the ordinary business of the Assembly, to the matter of privilege which had given rise to the interruption of the ordinary business of the Assembly. Although a member of the committee who had had the honour to be consulted by His Excellency, he was out of his power to be present on the occasion when it was adopted, but those hon. members would bear witness that the objections he now urged were the

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Mr. J. CAMPBELL regretted that the time of the colony should be taken up in these disputes. He thought the time would be better employed in passing bills for the government of the colony, and in making some allowance for the starving towns of Sydney, instead of disputing in this House about privileges. No doubt some hon. members felt grieved at the message of his Excellency; but he was one of the few who held the responsibility. He thought since they were not responsible for the message, they and not the Governor-General, were responsible to the House. Looking at it in this light, he did not agree that there was so much violation as hon. members supposed. If this House felt grieved at it, he had no objection that they should express their disapproval from the members of the House to the Governor-General. He, however, could not agree to such an address as this. He felt: if they sent him such an address, it would be said what was the result of the committee of address? They sent him one much worse. He gentleman could have this second paragraph. No gentleman could have such a sentence applied to him as this—
"Truth, and dignity of this House," &c. Now, he should like to know what; at what time. He had not any recollection of it. He did not know what truth was; therefore, such a sentence he could not agree to. He should be glad to second the amendment proposed by the hon. member for North Riding, because he believed it was an improvement. He would not say that the House would continue to have the privileges of the House invaded in any way. He should, if he felt grieved, as hon. members did, be of opinion to write as strongly as they did. As he did not feel grieved, he could not do so. He would not say this sentence would be satisfied with anything in a modified shape. He would not question and enable them to proceed with the business of the country. If hon. members were not satisfied with the conduct of Ministers, let them move a vote of confidence. He thought that would be a much better way to send this message to the Governor-General. He thought that would be a much better manner of coming to contact with the Governor-General.

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members wished to restrict this debate, and might have wished that what was spent in this direction, he should have spent in some other way. Upon the time of the House to go over the facts of the case, and to show that the accusation was really justified. In the reply of the Governor-General, he said that the House might be disappointed, that it was accused of inconsistency; and that, after a charge of a departure from, and an actual violation of, a pledge previously given; and third, hon. members were charged with an unpatriotic indifference to the wants and necessities of the people of India. To not one of these was that House liable, before he concluded he hoped to prove it clearly. (Time.) In doing this House had to trespass on the time of the Committee, but thought that nothing could be of more importance to the country than the vindication of the character of the House represented it; or to nothing of more advantage to the country than to lay down the principles which ought to regulate the conduct of the head of the Executive and the representatives of the people, and the position of the representative of the House, and that of his responsible advisers. He would now proceed to deal with the Governor-General's opening speech. In that his Excellency had occasion to inform the House that, fearing that Sikhs had risen in India, he had made certain proposals to the Government of India for the detach of the 77th Regiment and a detachment of troops to the scene of outbreak; but he further informed them that in consequence of subsequent advice from the Government of India, he had not dispatched them. With regard to this, he said that he thought it was incumbent on the Government to decide the steps they had taken, seeing that nothing resulted from them. Any allusion to the subject had been so, then the difficulty which they had placed would have been obviated. (Cheers.) He could understand very well that the Government would have the support and assistance of that House, then, before he proceeded to say that he would make public the whole circumstance; but the Government themselves showed they had no such purpose, for the speech went on to say that from later communications he had received, there was good reason to hope that the insurrection had been put down, and that Government was accepted by the House. It occurred to him then then expressed by the Government, and he thought that he would express this opinion to the House. That opinion was still held by the Government, and he thought that the Government had altered, and he went back upon the Government the charge of inconsistency, and he thought that the Government was more applicable to themselves. There were no reasons before the House that justified him in making a charge, and to them he would briefly refer hereafter. He took occasion to say to the speech from the members satisfaction to have co-operated with the Executive, if the supposed necessity had arisen, and he congratulated his Excellency that, in the case of the Herat, the troops in India were no necessity to dispatch the troops alluded to. So far also were the Government from fancying that there would be any such need of the troops, that he thought that the regiment which had now just sailed for the East, was to be dispatched for China; whilst to show that they could not have contemplated sending away the Government sent 50 days after the House met, the sending the Military Estimate, and showing that it would be a saving of £2941 through the departure from the colony of the large number of the 77th Regiment, and the fact that the number of two companies of the 12th Regiment. The Attorney-General however mentioned in this compass, showing only that no reduction was contemplated under this charge, and that to this time the House could not have had idea that it was necessary to be dispatching troops to India, nor, as he had said before, were the Government under any necessity to dispatch the troops they had taken; but then, having done so, he thought that it was called to make an expression of opinion given by the House, to be by as an opinion applicable

to a prospective case (Cheers)—or to bind the House to a resolution which had been given with reference to a specific thing, not to a general principle. The vote was made. (Cheers.) In this matter he did think the Government had treated the House in a frank and open manner in which it might have been better treated. He thought it was right to know the truth at all of the matter, they ought to know it fully. They should have informed the House in December last the Governor-General had communicated to the Governor-General of India, informing him that a regiment of the Madras Artillery could be spared from the colony. If the Government had taken this course, if, knowing that they had taken steps that night, at any time being known to the House, that they had taken such a step, then indeed the House would have answered this in its eyes well. Yet all this was concealed from the House, which was not allowed to try to find out the truth. He expressed his opinion that the House by an expression of opinion on a matter that did not originate from the opinion on a new case that was being introduced (Cheers.) It was on the reputation of the Government, in relation to the fact, that the Government formed the unjust and unbecoming accusation they made against the House, and its retracting its solemn pledge. (Cheers.) That House was not to be deceived by the Government by whatever the Government might consider necessary. (Cheers.) All that the House had said had been in effect this: "We will give assistance in the purchase of artillery, of which we may be satisfied." Then again, what had happened was that this matter since it had been put in possession of the facts of the case. He maintained that the course pursued had been a plain and a consistent one. He maintained that the House had not made known their intentions by applying to the House for the purchase of artillery horses, but that the House at once, and almost unanimously declared its purpose. So unanimously that the expression of opinion that the Government felt themselves compelled to withdraw the proposal, the course of the discussion many hon. members, and the House, had not made known their position to the vote upon the fact that they were willing that the Artillery should be sent away at once. By the day following this discussion, a motion was made on paper, deprecating the intention to send the Artillery to India. He maintained that he did not complain of the House taking an unambiguous or ambiguous course, for it was one that the Government certainly could not misunderstand. He maintained that the Government could not be surprised that the Government could in any way misapprehend. (Cheers.) Since then, nothing had happened that this House was not as well able to decide for itself. He considered that the Government himself could be satisfied that the Government was not deceived, that the House was not deceived, and that the Government so deeply involved the interest of the colony, referring to the decision of the Governor-General, in excluding itself from responsibility under the Government. (Cheers.) The duty of the Ministry of the Ministry. (Cheers.) The duty of the Ministry was plainly to deal with each new case as it came upon its own merits. And in doing as the Government had done, he maintained that there was nothing in the correspondence that had taken place to enable the House to lead them to believe that there was any actual necessity for the presence of the Artillery in India. The despatch of Lord Canning rather than the despatch of Lord Dalhousie, had shown that he had more importance to the presence in India of an Infantry regiment than to that of the Artillery; he therefore required the Infantry to be sent, but left it to the Government to furnish force it could convene. He maintained that the Government had not received by the last mail, there was no reason for the House to change the opinion it had already expressed. There was no necessity for sending the Artillery to India. He maintained that the Government took place in India as well as the Government was, and he would ask if the news since received was quite consistent with the information that the House had received from the Government at a month ago. (Cheers.) He maintained that the circumstances had arisen since the last mail, then he did understand how and why the Government had changed their opinions; but nothing of the kind had happened. He maintained that the Government had ordered, or fresh instructions mentioned. On the

would ask the Government then what new intelligence they had received from House to induce it to deal with this question as if such evidence had been obtained or as if such assurances had broken out. Everything went to show that no all danger had passed away, maintained that those facts went to show that severe incrimination had been committed had certainly not been committed by the House, but by the

government, and that the Assembly was in no degree alien to the very serious and offensive charges made against it by the Government of having implicitly or explicitly accepted the plea of the Government of India, or gave such a pledge as would be tantamount to a reply, seemed to impair, and he maintained that the records of the House cleared it of such a charge. Then, again, with regard to their desire of withholding assistance from the Government of India, he said that he could ask what the House had done to weaken such an offensive charge as that? Had there been any motion raised against the whole of the regiment of Infantry, discharged to India?—that particular regiment which the Government of India expressed the warmest anxiety to have. He conceived that a colonialist might have reasonably objected, that they had been disposed to withhold assistance from India. He said that the oldest colony of the Australian group, and the oldest of the soldiers, while the forces of the various other colonies were left intact. (Hear, hear.) They might reasonably have taken that course, but the House had not in any way protested against the Government of India. The member had raised his voice against the expediency of sending away the troops, and there had never been any anxiety expressed that any other military party should be sent here to replace them. (Hear, hear.) He said that the part he had in mind was the content of the two companies of the 12th hussars, according to the 17th, if they had been needed. (Hear, hear.) He was perfectly satisfied that if any necessity were now arising for the dispatch of every soldier in the colony, that the House would almost certainly be called upon in the majority on a recent occasion would be amongst the foremost to give their assistance. (Hear, hear.) Should the necessity unfortunately hereafter arise, he was satisfied that the House would immediately take a course which would not be immediately vindicated from the present charge. (Cheers.) Passing from the allegations contained in the answer of the Governor-General and the resolutions passed by the House, he said that he had several other very important matters involving in question the honor of the Committee: one was, whether the head of the Government was entitled to make offensive charges against the House in reference to the course of procedure which they had taken, and the other, in reference to the principle which should regulate an interference between the head of the Executive and the House, and also the question of the nature of the responsibility which attached to the Ministry in the advice they might give, or fail to give to the head of the Executive. (Hear, hear.) He was quite satisfied that the House, hon. members who might be disposed to hold that the question of colonial policy the Governor ought to hold to the Legislature of this country much the same position as her Majesty held in reference to the Colonies. (Hear, hear.) In reference to the first of the two points, the reference to questions which partook more of an Imperial character, he could quite understand that there was a pretty well marked line of distinction between his position and that of her Majesty; but in reference to all questions relating to the Colonies, he was quite satisfied that the Governor ought to occupy to the Legislature much the same position to the Legislature as her Majesty did to the Parliament at home. (Hear, hear.) But in reference to the question of colonial policy, he was quite satisfied that the Governor-General was to occupy the same position; if he was to be exempted from criticism in the Legislature, he was bound to conform to the constitutional usage imposed upon him. He conceived that the Governor-General was to be entitled to address the House on questions of colonial policy, except at the instance and with the express concurrence of his responsible advisers; and if he did venture to do so, except at their instance, and with their advice, he was stepping beyond his proper functions; and it was not the province of the House to criticise the Legislature. He conceived that in this respect his Excellency had somewhat strayed. He believed this address was not framed at the instance of the responsible advisers, and was not made at the request of the Speaker of this Assembly, but was framed by the Governor-General, and he conceived that the Governor-General had overstepped his functions, had forgotten his duty, in venturing to send an address to this House, which was not the province of his responsible advisers. But, while he (Mr. James) held that he was not disposed to exempt the Government from the blame fairly charged upon them in this matter, he must say that he was not far from being of opinion that when he heard an Address of that nature read, could hardly have failed to have been struck instinctively with an impression that the House would not consent to receive it without remonstrance, and he thought his duty was at once to have said to his colleagues, "My dear friends, be very firm, that he and his colleagues could be no parties to any such address being sent down to this House. (Hear, hear.)" He said that his friend, Mr. James, was well justified in feeling persuaded that the House, the Government, and the Governor-General would have been exempted from the very unpleasant difficulty in which they now found themselves, if the Governor-General had refrained at all parties—the Legislature, the Governor-General, the Government for the time being, and any Government which might succeed, would learn a very useful lesson from that, had taken place in reference to this matter. He believed that the Governor-General, before it ascended to an address in reply to an opening speech of the Governor-General—(laughter and "hear, hear")—that it would have been very wise if it was not for any implied or direct expression of approval of measures which had been, or which were to be taken in hand (hear, hear), and that it would hold intact its rights to deal with those measures when specifically submitted. He said that he was sure that the House would be very glad to see the Government in speeches or replies of an objectionable character—matter which placed the Government and the Parliament equally in a position to be criticised. (Hear, hear.) He said that he could also have the effect of placing the Governor-General that his clear duty was, in all matters of colonial policy, to consult most unreservedly, and without exception, his responsible advisers; and especially that he should be bound to give expression to his feelings of indignation in the terms in which he had thought proper to couch this address. (Hear, hear.) He trusted it would be always a lesson to the present and to future Governments that they should be very careful over the words of the Executive Government; they now knew that the House was disposed to hold them responsible for any act of this kind, whether the Governor consulted them partially or wholly, and that was their duty to take care that the Governor-General should not be guilty of any proceeding or action to which the were not willing to be committed. (Hear, hear.) He was satisfied that the hon. gentleman at the head of the Government was shielded from any such criticism and censure in this matter that they would have been exempted from the very unpleasant duty they had now to discharge; but as that obligation had been cast upon them, he conceived it to be his duty to say that they would be very glad to see the Government to shrink, they would not be justified in shrinking. (Hear, hear.) They owed it to their character as representatives of the country, to repel the attack which had been made upon them, and to show that the character of the Legislature was not impaired. (Hear, hear.) He thought they owed it to themselves to show that they however strongly they might be disposed to support the Government in their position, they were not prepared to support the House, in which the main principles of responsible Government were involved—that they sunk altogether their attachment to parties or to Governments, and were prepared to uphold those principles in the integrity of the House, and to defend the House from any unwarranted attacks, coming from any whatever quarter they might. He was not at all disposed to embarrass, in any way, the Government, who were the Government of this Government in this country, but he felt that he had duty to perform far above any fealty or allegiance he might owe to them. (Cheers.) He felt that he should not have to discharge the high duty he owed to the country, if he did not do so. He had been increasing his opinion in the way in which he had done. As regarded the address itself, so long as the substance was preserved, he was not desirous of raising the question of its language. He said that as the House would be glad to see the Government had been made against hon. members, he should be content to see those opinions embodied in any language which would be likely to bring the matter to a conclusion. (Hear, hear.)

The verbal amendments were put and passed.

The first clause was then put and carried on the following division:—	
Ayes, 33.	Noes, 8.
Mr. Cox	Mr. Dallery
Donaldson	Buckley
Suttler	Martin
Alderson	Cowper
Piddington	Robertson
Deans	H. Campbell
Oakes	J. Campbell
Flood	Regton
Forester	
Jamieson	
Murray	
Parkes	
Macarthur	
Root	
Paterson	
Dickson	
Woolton	
Marks	

[illegible]

| will run you through." At that time they wore

out is strongly reprehended in the report, and a fact that must have a very undesirable effect on the public mind, as it raises the suspicion that perhaps in many other cases irregularities have occurred respecting which an unfaithful silence has been preserved.

The majority of the immigrants by the Stebonheath were brought out under the Remittance Regulations, and came to join their friends. No complaint is made of their character, and so far as the Board's knowledge goes, they are all respectable. But amongst the single women there were a few who were carried out on board by the Emigration Commissioners, and the fare for the passage and portion were well-conducted, and it might have been their misfortune that, by being mixed up with others of a different character, their fame has been unjustly tarnished. It appears, however, that all the immigrants by this ship have either joined their friends or obtained situations, and the respectable portion will therefore, be able by their conduct on shore to destroy the effect of any unfavourable association of their names with the Stebonheath. The report affirms that some few of the girls selected by the Commissioners were so ill-disposed that but for the vigorous rule of the surgeon and the matron very disastrous results might have accrued; and credit is given to those officials for keeping order as well as they did.

No charge of impropriety is brought against the captain, but he is proved to have shown a want of firmness in the good-tempered easy man, he wanted the vigour and determination to keep in order as amply and as well as the fastidious men placed in authority in unquiet times. He pays for it by the forfeit of his gratuity. The second mate parted with his authority over the crew by stooping from his proper position to mix with needless familiarity with them, and had no power, even if he had the will, to check insults offered to the matron. The third mate is proved to have been guilty of the grossest impropriety, and it is to be regretted that no severer punishment than the mere loss of his trifling gratuity can be inflicted on him. The first mate alone of the ship's officers did his duty, and his doing it made him so obnoxious to the crew that for self-preservation he was forced to carry a pistol on his person. It is a pity that the rules of the service will not admit of his receiving some acknowledgment. But, beyond a paragraph of praise, and for further reward than if, not having been subjected to such temptation, he had exhibited no special virtues resisting it.

The general conduct of the surgeon is stated to have been unobjectionable; he has, however, previously made six voyages without a fault being found with his management. But it is clear that on, at least, three occasions he exhibited himself before the emigrants in a state of intoxication; that in the cases of Mrs. MacDONNELL and ANN COX, he was deficient in professional attention, and that his severity to the girls handcuffed was entirely unwarranted, and a gross abuse of power. It is due to those two girls whose names have been so prominently brought before the public to say that they are not included among the number charged with gross improprieties. The head and front of the offending" was directed by the orders and contumacy. The surgeon is not to be judged to lose his gratuity and return allowance, but is reported to the Commissioners as unfit to be employed again in the service. It is hardly any direct penalty for the crime of assault he absconding.

The Board do not find the matron guilty of using improper expressions to the girls, and they commend her conduct as in many respects exemplary under very trying circumstances. But they rightly hold her to be utterly inexorable in not protesting against their cruelty to the handcuffed girls, and though they recommend the payment of her gratuity and allowance for a return passage to England, they advise that she should not be placed in charge of emigrants again.

The married immigrants are cleared from the charge of directly aiding the communication between the sailors and the single women, but it is shown that they failed to report and prevent it. The sailors, it appears, frequently came to their compartment to talk to the girls through the louvre. This could not have been done without the knowledge of many of the married people. The Board partly excuse their want of remonstrance on the ground that it would have been unpleasant for them to have been brought into collision with a violent crew, but they recommend that the constables and the schoolmaster, who, as persons placed in authority, were bound to have done their duty, however disagreeable it might have been, should be deprived of their gratuities. A charge was made against the owners by the surgeon of a deficiency of medical comforts. But it having been proved that his ship was amply supplied on crossing Plymouth, and that an agent was despatched to the island to put on board additional supplies, the Board do not commend the infliction of any fine.

**LAW
SUPREME COURT. — WEDNESDAY.
SITTINGS FOR THE TRIAL OF CAPTAINS
JURY CASES.**

Brown v. the Chief Justice and a jury of four.

This was an action upon a contract for the sale of horses, upon commission, in India. The breach declared upon was a neglect to account truly and what horses were sold. The defendant averred that he had truly accounted, and obtained a set-off. He also paid into Court a sum of £14 10s.

The Attorney-General and Mr. Holroyd appeared for the plaintiff, and Mr. Treacy for the defendant.

The defence was that the plaintiff agreed to the agreement under which the plaintiff was to be shipped, and as to this the evidence was very conflicting. The defendant, Mr. William W. Burt, had been for some time in the business, in the conveyance of horses to India for sale on commission. For this purpose he had chartered the *Harkaway*, and for this purpose after a correspondence (began at his own instance) with Isabella Mary Kelly, a settler resident in the Manning River district. According to the plaintiff there was an agreement to ship a particular number, or to keep open any number of stalls for her benefit. She was to send the horses to the vessel, and to take on board the stalls being open. According to the defendant, she was to send twenty horses, and he had kept that number of stalls open. Only fourteen horses were sent; and having sent them, he filled up the six stalls, defendant charged for them to Miss Kelly. According to the plaintiff, also, there was to be no more horses sent for the passage of each horse at £25 per head and 2s per ton commission. Defendant denied there had been any more horses sent, and that he had charged for head stalls, for the landing of the horses in India, for their keep and stabling, and for commission to the auctioneer who sold them, as well as to himself. It was stated that these charges were reasonable and customary, that the defendant had not denied that other shippers, and the terms contended for by the plaintiff would leave defendant an actual loss to a considerable amount, with no remuneration for his trouble. On the fourth day, with three witnesses for it, and two after their landing in India. The plaintiff's evidence at prices ranging from 380 rupees to 1300 rupees, and at 1000 rupees, and at 5840 rupees, or £2840.

The judge declared by defendant to be very favourable considerations, and that the defendant was not to be considered as an unbroken animal, and that the horses, which

[illegible]

is port wine
 ditto
 is fine cherry
 or ditto
 and cordials, &c., &c.
 Terms at sale.

